

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDRE C. BROWN,

Petitioner,

File no: 1:08-CV-630

v.

HON. ROBERT HOLMES BELL

DENNIS LEIBER,

Respondent.

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Plaintiff's complaint is hereby **DISMISSED** for failure to exhaust state court remedies.

IT IS FURTHER ORDERED that a certificate of appealability is denied. *See Slack v. McDaniel*, 529 U.S. 473 (2000).

Dated: August 26, 2008

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE